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KENTUCKY NEEDS TO TAKE QUICK ACTION ON ILLEGAL NUCLEAR WASTE DUMPING

By: Drew Teague

Radioactive waste had been dumped in a southern Kentucky landfill. State officials have undertaken an investigation to determine how and why the waste was dumped in the Commonwealth.[i] Officials with the state have said that between 1,600 and 1,800 tons (over 3 million pounds) of waste was dumped in Estill County's Blue Ridge Landfill.[ii] The waste was stored and disposed in forty-seven sealed containers, and delivered to the landfill between July and November of 2015.[iii]

The waste from three states, Ohio, Pennsylvania, and West Virginia, was shipped to Kentucky to be disposed.[iv] Kentucky officials only learned of the radioactive material in the Commonwealth due to a contractor and regulatory body in West Virginia.[v] While the low-level radioactive material is naturally occurring, from rock and brine that is brought to the surface during drilling for oil and gas, it should not have been dumped into the Blue Ridge Landfill.[vi]

Once the word spread of the illegal dumping of radioactive waste, the public and government immediately became outraged and began launching an investigation into the incident. State officials began to make plans to help fight future dumping, including sending an advisory letter to landfills and others associated with the industry, advising them to be on notice to follow the law, and be on the lookout for further waste.[vii]





(<http://www.cnn.com/2012/04/26/us/la-trash-puente-landfill/>)

One of the problems with the waste being dumped in Kentucky arose from the Commonwealth having no actual facilities where such low-level radioactive materials can be dumped within its borders.^[viii] Officials have begun to crackdown on the radioactive waste. Through this new crackdown, the government has ordered the company responsible for shipping to stop hauling the waste within the Commonwealth's boundaries, or face a \$100,000 fine and criminal charge.^[ix] The landfills also received violation notices from the Energy and Environment Cabinet, attempting to ensure that all landfills within the state are following the law and identify what they are accepting.^[x]

The state's actors are not doing enough to ensure that no further radioactive waste is dumped within Kentucky's boundaries. Governor Bevin should act with further rigor to ensure compliance by all in the industries, even though the governor advocated against burdensome environmental regulations during his campaign.^[xi] Bevin should protect the state, and ensure that the waste is cleaned up properly without using the money of state taxpayers. This may include suing the company that created the waste and/or transported the waste into Kentucky, and ensuring they pay for the waste's safe removal. With the budget failing to pass, any excess monies that were obtained from a judgment against these companies could go to the general funds to help the state fund other items in the budget.

The administration also needs to take quick action to ensure that those living in the area of the dumped waste are not adversely affected, such as the devastation in Flint, Michigan. There must be stricter regulations, no matter what Governor Bevin campaigned for, to ensure our laws are followed by outsiders who think Kentucky will sit idly by when it comes to disposal of this type of radioactive waste. More nuclear waste dumped in the beautiful Bluegrass will only harm our great agriculture and horse culture for future generations.

[i] Greg Kocher, *Low-level radioactive waste illegally dumped in Estill landfill, state official says*, Herald-Leader (Feb. 25, 2016), <http://www.kentucky.com/news/state/article62496922.html>.

[ii] *Id.*

[iii] *Id.*

[iv] *Id.*

[v] *Id.*

[vi] James Bruggers, *Nuclear waste dumped illegally in Ky.*, Courier-Journal (March 5, 2016), <http://www.courier-journal.com/story/tech/science/environment/2016/02/25/nuclear-waste-dumped-illegally-kentucky/80924622/>.

[vii] *Id.*

[viii] *Id.*

[ix] James Bruggers, *State begins crackdown on radioactive waste*, Courier-Journal (March 10, 2016), <http://www.courier-journal.com/story/tech/science/environment/2016/03/08/state-orders-end-hauling-radioactive-waste/81496490/>.

[x] *Id.*

[xi] James Bruggers, *Radioactive waste a test for Bevin administration*, Courier-Journal (March 5, 2016), <http://www.courier-journal.com/story/tech/science/environment/2016/03/04/radioactive-waste-test-bevin-administration/80999630/>.

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